IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 22796 of 1994

Between:

Smt. M. Govindamma W/o. M. Munuswamy Naidu
R/o. Satteru Village, Tumbakuppam Post, Via, Bangarupalem, Chittoor District.

..... PETITIONER

AND

1 Commissioner of Survey Settlements & Land Records Nampally, Hyderabad.
2 Settlement officer, Nellore, Nellore District.
3 Director of Settlements, A.P. Nampally, Hyderabad.
4 Collector, Chittoor, Chittoor District.
5 Mandal Revenue Officer, Bangarupalem Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the entire records pertaining to the case and issue an appropriate writ order or direction especially in the nature of Mandamus, declaring the proceedings of the 1st Respondent in his Ref.No. P3/1735/83 dt; 19-7-94, setting aside the orders passed by the 3rd respondent in his R.P. 35/81 dt; 4-5-83 confirming the grant of Ryotwari Patta in favour of petitioner in respect of land admn. Ac.8-50 cents in R.S.No. 71/P of Satteru Village, Bangaru Palem Mandal, Chittoor District, as arbitrary, unjust and illegal.

Counsel for the Petitioner: MR.Y.RAMA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

Heard learned counsel for the parties.

The petitioner is aggrieved by the order passed by the Commissioner of Survey, Settlements and Land Records,A.P.Hyderabad. The petitioner had been granted ryotwari patta dated 02-01-1981 by the Settlement Officer, Nellore, against which a revision was taken before the Director of Settlements,A.P.Nampally, by the Revenue. The Director of Settlements dismissed the revision and confirmed the order of the Settlements Officer. Thereafter, another revision was filed before the Commissioner. The Commissioner revised the findings of both the Officers below. It appears from the order of the Commissioner that he has taken note of certain facts for the first time brought to his notice by the Special Government Pleader and on the basis of those facts he allowed the revision. The Commissioner was not able to relate Paimash No.60, 61, 66 to the RS NO.71. This was also not put to the petitioner. The Commissioner also took note of the fact that an extent of Acs.3.75 out of Sy.No.71 with respect to extent of patta had been granted to the petitioner. But the petitioner submits that she was entitled to more and this aspect was not known to her and that aspect could also have been considered by the Commissioner. From the last para of the order of the Commissioner, it becomes clear that the Commissioner took note of the documents placed by Special Government Pleader before him and also certain facts, which were brought to his notice for the first time and allowed the revision.

In this view of the matter I set aside the order of the Commissioner and remand the case back to him for fresh disposal under law. If the respondents want to bring any

evidence to the notice of the Commissioner it should be also made available to the petitioner so that she is able to face the case.

The writ petition is disposed of. No costs.

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(BILAL NAZKI, J)

26-08-2004

VS/YS

To

1 Commissioner of Survey Settlements & Land Records Nampally, Hyderabad.
2 Settlement Officer, Nellore, Nellore District.
3 Director of Settlements, A.P. Nampally, Hyderabad.
4 Collector, Chittoor, Chittoor District.
5 Mandal Revenue Officer, Bangarupalem Mandal, Chittoor District.

6 Two CCs to the G.P for Revenue, High Court Buildings, Hyderabad(O.U.T).

7 Two CD copies.